

**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW
ETHICS ADJUDICATORY BOARD**

BOARD OF ETHICS

*** DOCKET NO. 2021-4557-ETHICS-B**

IN THE MATTER OF

G. DENISE DUPREE

*** AGENCY TRACKING NO. 5121-052**

DECISION AND ORDER

The Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, requested an adjudicatory hearing to have the Ethics Adjudicatory Board determine whether G. Denise Dupree failed to file a supplemental campaign finance disclosure report for the 2020 calendar year, by the eleventh day after it was due, in connection with her 2018 candidacy for the office of Council Member, City of Grambling. The Louisiana Board of Ethics proved by clear and convincing evidence that G. Denise Dupree failed to timely file the report, as alleged, in accordance with Louisiana Revised Statutes (La. R.S.) 18:1495.4(D)(1). Pursuant to La. R.S. 18:1505.4(A)(4)(b), the Louisiana Board of Ethics is authorized to impose an additional civil penalty not to exceed \$10,000.00 against G. Denise Dupree for her failure to timely file her 2020 supplemental campaign finance disclosure report.

APPEARANCES

An adjudicatory hearing was conducted on October 14, 2021, at the Division of Administrative Law in Baton Rouge, Louisiana, before Panel B of the Ethics Adjudicatory Board (EAB).¹ Charles Reeves appeared as counsel on behalf of the Louisiana Board of Ethics (BOE). Although duly noticed, G. Denise Dupree (Respondent) did not appear for the hearing.²

¹ The Panel B of the Ethics Adjudicatory Board consists of administrative law judges Gregory McDonald (presiding), Anthony Russo, and Esther Redmann.

² The hearing notice was mailed, by U.S. mail, by the Administrative Hearings Clerk for the Division of Administrative

JURISDICTIONAL AUTHORITY

This adjudication is conducted in accordance with the Campaign Finance Disclosure Act (CFDA), La. R.S. 18:1481, *et seq.*, the Code of Governmental Ethics, La. R.S. 42:1101, *et seq.*, the Administrative Procedure Act, La. R.S. 49:950, *et seq.*, and the enabling legislation of the Division of Administrative Law, La. R.S. 49:991, *et seq.*

STATEMENT OF THE CASE

The BOE, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, alleged that Respondent failed to file a supplemental campaign finance disclosure report as required by La. R.S. 18:1495.4(D)(1) for calendar year 2020, in connection with her November 6, 2018, candidacy for the office of Council Member, City of Grambling, by the February 18, 2021, deadline or by the 11th day after the report was due.

The BOE requested an adjudicatory hearing to have the EAB determine whether Respondent failed to file her supplemental campaign finance disclosure report by the 11th day after it was due, which could subject her to an additional civil penalty not to exceed \$10,000.00, as authorized by La. R.S. 18:1505.4(A)(4)(b).

At the hearing, the BOE offered its exhibits, numbered BOE-1 through BOE-13, which were admitted into evidence. Counsel presented the case on behalf of the BOE and rested its case. The record was closed, and the matter was taken under advisement for a determination of whether Respondent violated La. R.S. 18:1495.4(D)(1) and would therefore be subject to an additional civil penalty pursuant to La. R.S. 18:1505.4(A)(4)(b).

Law to G. Denise Dupree at 1971 Martin Luther King, Jr. Avenue, Grambling, Louisiana, 71245-2212, and was not returned as undeliverable. This is the same address the BOE mailed Respondent the charges contained in its *Request for Hearing*, its *Late Fee Assessment Order*, its discovery, and its letter scheduling a Rule 10.1 discovery conference, all by certified mail, returned receipt requested, and the BOE received confirmation that the certified mailings were delivered to Respondent by Covid-19 designations. This is the same address that Respondent listed on her *Notice of Candidacy*, *Qualifying Form*, her 30-P finance campaign disclosure report, and her 2018 supplemental campaign finance disclosure report. BOE exhibits 2, 5, 6, 7, 8, 10, and 11.

FINDINGS OF FACT

Respondent was the successful candidate for the office of Council Member, City of Grambling, in the November 6, 2018, election.³ The office of Council Member, City of Grambling, is an “any other” level public office.⁴

The BOE is the Supervisory Committee on Campaign Finance Disclosure under the CFDA.⁵ Upon qualifying to run for office, Respondent acknowledged that she was subject to the provisions of the CFDA.⁶

On October 7, 2018, Respondent filed her final campaign finance disclosure report, the requisite “30-P” report, which disclosed a surplus of \$629.49, as of September 27, 2018.⁷ The 30-P report also showed a single contribution of \$250.00 from Micah Fincher.⁸ On May 8, 2019, Respondent filed her 2018 supplemental campaign finance disclosure report, which showed a surplus of \$36.84, through December 31, 2018.⁹ Respondent failed to file a supplemental campaign finance disclosure report for calendar year 2019.¹⁰ Respondent did not file her campaign finance disclosure report for calendar year 2020, by the February 18, 2021, deadline or by the eleventh day after it was due.¹¹

On May 21, 2021, the BOE issued a *Late Fee Assessment Order* to Respondent because she had not filed the 2020 Supplemental Report.¹² The *Late Fee Assessment Order* (a) assessed a

³ BOE-2, pp. 1 and 3. BOE-3, p. 2. Respondent admitted, by operation of La. C.C.P. art. 1467(A), that she was a candidate for the office of Council Member, City of Grambling, in the November 6, 2018, election. BOE-10, p. 3.

⁴ See La. R.S. 18:1483(16); La. R.S. 18:1484(2).

⁵ La. R.S. 18:1483(19).

⁶ BOE-2, p. 3.

⁷ BOE-6, p. 3.

⁸ BOE-5, p. 11. BOE-6, p. 5.

⁹ BOE-7, p. 2.

¹⁰ This failure to file was addressed in a previous case before the Ethics Adjudicatory Board, Panel B.

¹¹ BOE-10, p. 3 and BOE-11. Respondent admitted, by operation of law, under La. C.C.P. art. 1467(A), that she did not file her supplemental campaign finance disclosure report for calendar year 2020, by February 18, 2021, or by the eleventh day after it was due.

¹² BOE-8.

late fee of \$1,000.00 and (b) ordered Respondent to file her supplemental campaign finance disclosure report for calendar year 2020 within twenty days of her receipt of the order.¹³ The *Late Fee Assessment Order* was sent by certified mail, return receipt requested, to Respondent at 1971 Martin Luther King, Jr., Avenue, Grambling, Louisiana, 71245-2212.¹⁴ The certified mail receipt was signed, with a Covid-19 designation, on May 24, 2021.¹⁵ Respondent was notified in the letter accompanying the *Late Fee Assessment Order* that she could be subject to an additional civil penalty not to exceed \$10,000.00, pursuant to La. R.S. 18:1505.4(A)(4)(b), if she failed to file her supplemental campaign finance disclosure report for calendar year 2020.¹⁶

On July 14, 2021, the BOE obtained service on Respondent by certified mail, with a COVID-19 designation, of a copy of the *Request for Hearing*, with written discovery, including *Requests for Admissions*, propounded to Respondent.¹⁷ Respondent was notified in the letters accompanying the copy of the *Request for Hearing* and the attached discovery requests propounded to Respondent that she could be subject to an additional civil penalty not to exceed \$10,000.00, pursuant to La. R.S. 18:1505.4(A)(4)(b), if she failed to file her supplemental campaign finance disclosure report for calendar year 2020.

On September 8, 2021, the BOE requested Respondent participate in a Rule 10.1 Discovery Conference because Respondent did not respond to the BOE's discovery requests.¹⁸ The request was sent by certified mail, return receipt requested, to Respondent's current address at 1971 Martin Luther King, Jr., Avenue, Grambling, Louisiana, 71245-2212, and the return receipt was delivered with a COVID-19 designation.¹⁹

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ See BOE-5, p. 27.

¹⁸ BOE-11.

¹⁹ *Id.*

As of the October 14, 2021, hearing, Respondent had not filed her 2020 supplemental campaign finance disclosure report and had not filed responses to the *Requests for Admissions*.²⁰

CONCLUSIONS OF LAW

The BOE proved by clear and convincing evidence that Respondent knowingly failed to file her supplemental campaign finance disclosure report for calendar year 2020 by February 18, 2021, or by the eleventh day after it was due. The BOE is authorized to impose upon Respondent an additional civil penalty not to exceed \$10,000.00, as allowed by La. R.S. 18:1505.4(A)(4)(b).

In hearings under the CFDA before the EAB, the BOE must prove by clear and convincing evidence that the candidate knowingly failed to timely file a required campaign finance disclosure report.²¹

Every candidate for an “any other” level public office is required to file certain campaign finance disclosure reports by the statutory deadlines.²² Failure to timely submit required reports constitutes a violation of the CFDA.²³

La. R.S. 18:1495.4(D)(1) provides that if the final report of a candidate for an election shows a deficit or surplus, the candidate or his treasurer, if any, shall file supplemental reports with the BOE no later than February 15th each year, which shall be complete through the preceding December 31st. Such report shall be filed each year for five years or until a report has been filed which shows no deficit or surplus.²⁴

As a candidate for an “any other” level public office, who filed a final report showing a

²⁰ BOE-13. Respondent admitted, by operation of La. C.C.P. art. 1467(A), that she did not file her 2020 supplemental campaign finance disclosure report.

²¹ See La. R.S. 42:1141.5(C). “‘Clear and convincing evidence’, in general, means that the fact of guilt must be proven to a greater degree than by ‘a mere preponderance of the evidence’ but less than by ‘beyond a reasonable doubt.’” *Louisiana State Bar Ass’n v. Edwins*, 329 So. 2d 437, 442 (La. 1976).

²² La. R.S. 18:1495.4.

²³ La. R.S. 18:1505.1(B).

²⁴ La. R.S. 18:1495.4(D)(1).

surplus in connection with the November 6, 2018, election, Respondent was required to file annual supplemental campaign finance disclosure reports for five years or until a report was filed that showed no deficit or surplus.²⁵ Supplemental reports are due no later than February 15th and shall be complete through the preceding December 31st.²⁶

Respondent filed her supplemental campaign finance disclosure report for calendar year 2018, which showed a surplus of \$36.84, as of December 31, 2018. Because a surplus remained, Respondent was obligated to file supplemental reports for five years or until a report was filed that showed no surplus.

Respondent did not file her supplemental campaign finance disclosure report for calendar year 2020, by the February 18, 2021, deadline, or by the eleventh day after the report was due. Respondent has never filed a supplemental campaign finance disclosure report that showed no surplus (or deficit) remained.

Any candidate for “any other” level public office who knowingly fails to timely file a required report may be assessed a civil penalty in the amount of \$40.00 per day, not to exceed \$1,000.00.²⁷ “Knowingly” means conduct which could have been avoided through the exercise of due diligence.²⁸

Respondent knew she was required to file certain campaign finance disclosure reports when she acknowledged she was subject to CFDA upon qualification for candidacy. Respondent knew she was obligated to meet the CFDA filing requirements evidenced by her filing of her supplemental campaign finance disclosure report for calendar year 2018. Respondent was made aware of her obligation to file the 2020 supplemental campaign finance disclosure report by receipt

²⁵ La. R.S. 18:1495.4(D)(1).

²⁶ *Id.*

²⁷ La. R.S. 18:1505.4(A)(2)(a)(iii).

²⁸ La. R.S. 18:1505.5.

of the BOE's letter accompanying its *Late Fee Assessment Order*, which notified Respondent that she could be subject to additional civil penalties if she did not file the 2020 supplemental campaign finance disclosure report.

Respondent knew she was obligated to meet the CFDA filing requirements by the statutory deadlines and that additional civil penalties, not to exceed \$10,000.00, could be imposed if she did not file the 2020 supplemental campaign finance disclosure report. Respondent did not file her 2020 supplemental campaign finance disclosure report by its due date or by the eleventh day after the report was due. The BOE proved by clear and convincing evidence that Respondent knowingly failed to file her 2020 supplemental campaign finance disclosure report by the February 18, 2021, due date or by the eleventh day after the report was due.

Additionally, Respondent's failure to file her supplemental campaign finance disclosure report for calendar year 2020 within three days after the final date for filing creates a rebuttable presumption of intent to not file the report.²⁹ Nothing in evidence rebuts this statutory presumption.

If, after conducting an adjudicatory hearing, the EAB determines that Respondent knowingly failed to file a required campaign finance disclosure report by the eleventh day after the report was due, then the BOE may impose an additional civil penalty, not to exceed \$10,000.00, against Respondent for the report that he failed to timely file.³⁰

The BOE proved by clear and convincing evidence that Respondent, a candidate for the "any other" level public office of Council Member, City of Grambling, knowingly violated the CFDA by failing to file her 2020 supplemental campaign finance disclosure report by the February 18, 2021, due date or by the eleventh day after the report was due.

²⁹ La. R.S. 18:1505.1(A).

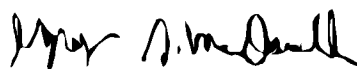
³⁰ La. R.S. 18:1505.4(A)(4)(b).

The BOE, in its capacity as the Supervisory Committee for Campaign Finance Disclosure, is authorized to impose against Respondent an additional civil penalty, not to exceed \$10,000.00, for the late report as authorized by La. R.S. 18:1505.4(A)(4)(b).

ORDER

IT IS ORDERED that the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, is authorized to impose an additional civil penalty, not to exceed \$10,000.00, against G. Denise Dupree for her failure to file her supplemental campaign finance disclosure report for calendar year 2020 by the eleventh day after it was due.

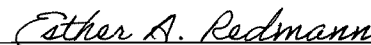
Rendered and signed on November 18, 2021, in Baton Rouge, Louisiana.



Gregory McDonald
Presiding Administrative Law Judge
Ethics Adjudicatory Board-Panel B



Anthony J Russo
Administrative Law Judge
Ethics Adjudicatory Board-Panel B



Esther A. Redmann
Administrative Law Judge
Ethics Adjudicatory Board-Panel B

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Friday, November 19, 2021, I have sent a copy of
this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law

REVIEW RIGHTS

This decision exhausts your administrative remedies. If you are dissatisfied with this ruling, you may have the right to seek a rehearing or reconsideration of this decision or order, subject to the grounds for and time limitations provided in Louisiana Revised Statutes (La. R.S.) 49:959 and Louisiana Code of Civil Procedure article 5059. To determine your review rights, you should act promptly.

To request a rehearing or reconsideration, please send it to one of the addresses indicated below:

EMAIL documents to:
EABprocessing@adminlaw.la.gov

FAX documents to:
EAB Section Deputy Clerk
(225) 219-9820

MAIL documents to:
DAL – EAB Section
ATTN: EAB Section
P. O. Box 44033
Baton Rouge, LA 70804-4033

If you do not request a rehearing of your decision or your rehearing request is denied, you have the right to seek judicial review in accordance with La. R.S. 49:964, La. R.S. 42:1142(A)(1), and La. C.C.P. art 5059. To determine your review rights, you should act promptly.